

FORM TO BE USED BY FEDERAL INMATES IN FILING A CIVIL ACTION UNDER 28 USC § 1331 OR § 1346

REVISED 8/05

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

FILED

APR 13 2020

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY KMA DEPUTY

MARIO QUINTANILLA

(Enter above the full name and inmate number
of each plaintiff in this action)

vs.

SA20CA0465

(Clerk will assign the number)

FBAtascosa CountySheriff DAVID SOWARDCAPTAIN MARTIN GONZALES

(Enter above the full name of each defendant in this action).

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES ☒ NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
1. Approximate date of filing lawsuit: N/A
 2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Docket Number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____
 7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: ATASCOSA County Jail

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Pursuant to 42 U.S.C. § 1997e(a), exhaustion of administrative remedies is required prior to initiating a civil rights action or Federal Tort Claims Act lawsuit. Copies of all grievances, appeal and responses must be submitted to verify exhaustion. Failure to demonstrate exhaustion may be grounds for dismissal. The rules for federal prisoners are found at 42 C.F.R. §§ 542.10, *et seq.*

1. Informal Grievance

a. Did you submit an informal grievance ☒ YES ☐ NO
If so, you must attach a copy of the grievance and response.

b. If not, then why not?

Administration refuses to give inmates copies of our grievances

2. Formal Grievance

a. Did you submit a formal grievance (BP-9)? ☒ YES ☐ NO
If so, you must attach a copy of the grievance and response.

b. If not, then why not?

After repeatedly asking for copies of my grievances I am still denied copies per. Mr. Mendoza & Capt. Gonzales

3. Appeal to the ~~Regional Director~~ of the Bureau of Prisons

Sherif Soward

a. Did you timely submit an appeal to the ~~Regional Director~~ (BP-10)? sheriff ☒ YES ☐ NO
If so, you must attach a copy of the appeal and response.

b. If not, then why not?

I have requested an appeal to Sheriff DAVID SOWARD to no avail

4. Appeal to the General Counsel of the Bureau of Prisons

a. Did you timely submit an appeal to the General Counsel of the Bureau of Prisons (BP-11)? ☐ YES ☒ NO
If so, you must attach a copy of the appeal and response.

b. If not, then why not?

Im in a County Jail that refuses inmates all legal documents & law library e.t.c.

IV. PARTIES TO THIS SUIT:

A. Name and address of each plaintiff: MARIO QUINTANILLA

1108 CAMPBELL Ave.

JOUDANTON TX. 78026

- B. Full name of each defendant, his official position, his place of employment, and his full mailing address. If you are bringing a civil rights lawsuit against federal employees, then your lawsuit should be filed pursuant to 28 U.S.C. § 1331. If you are bringing a Federal Tort Claims Act lawsuit under 28 U.S.C. § 1346, then the only defendant will be the United States of America.

Defendant #1: ATASCOSA County
Address unknown ; Admin. Refuses info.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Atascosa County has enabled Mr. Soward & Mr. Gonzales to violate ^{Civil, Constitutional, Human RIGHTS}
 Defendant #2: Sheriff. DAVID SOWARD ^(1108 Campbell ave Jourdanton TX 78026)

Mr. Soward has allowed Mr. Gonzales & other staff to assault inmates & Violate
 Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. ^{Constitutional, Human RIGHTS}

Mr. Soward has allowed Captain to violate inmates rights & break federal lo
 Defendant #3: CAPTAIN. MARTIN GONZALES

(address) 1108 CAMPBELL AVE. JOURDANTON TX. 78026

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Mr. Gonzales has assaulted me, & others allows other C.O. & Rank to assault u:
has repeatedly thrown me in Solitary confinement w/out due process.
 Defendant #4: AND for 70 days left me to live in the dark in Solitary
N/A ^{Confinement}

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where it happened, when it happened, and who was involved. Describe how each defendant is involved. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

After telling LAW LIBRARY she was violating my rights by Refusing me
law library & legal DOCUMENTS. Admin. & Grievance Coordinator Mr. Gonzale
denied all Grievances, refused Copies of the ^{6/11/20} Assaulted me and has
thrown me in Solitary Confinement 2 separate times without Due
process and never turned on the lights for 70 days I
Complained about the illegal Confinement, refusal of legal docume

refusal of the lights being turned on besides the small security light being left on. My Grievance was ignored until Maintenance put in a brighter bulb which only lit up the small desk area. 80% of the cells are still in the dark. My eyes hurt & I had to put my mat on the floor in order to read. I have complaint to the medical department because I still have trouble focusing my eyes.

All my legal mail has been withheld in this admin. office in violation of federal law & myself and about 15 other inmates have been assault as well as us being left to sit in our own feces in a restraining chair. We are not allowed access to the courts or legal. We are not allowed copies of our Grievances. document.

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I wish for a federal investigation into my allegations for I have written the FBI, A.C.L.U., D.A., E.T.C. to no avail due to all my/our legal mail being withheld in this building. This admin is very corrupt. I also request Monetary compensation for the damage to my eye. I have a list of 10-15 victims. as well as C.O. witnesses..

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

MARIO QUINTANILLA, MARIO CANTUNA

B. List all prisoner identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

~~12380~~ 634515, don't remember 2nd #, 1892523

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed?

YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Docket Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): N/A
2. Docket Number: _____
3. Approximate date warnings were imposed: _____

Signed this 8th day of April, 2020.
 (date) (month) (year)

Mario Quintanilla
 (Signature of each plaintiff)

I DECLARE (OR CERTIFY, VERIFY OR STATE) UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS OF FACT, INCLUDING ALL CONTINUATION PAGES, ARE TRUE AND CORRECT.

Executed on: April 8th, 2020
 (Date)

Mario Quintanilla
 (Signature of each plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

Money Receipts with Gift Cards

9406 : Quintanilla, Mario - Transactions From 11/7/2019 12:00 AM to 4/7/2020 11:59 PM

Receipt	Add #	Type	Name	User	Amount
180062	0	GiftCard	Gift Card Fund		\$50.00
3/22/2020		JailATM Web Deposit	GC# 23058280 by Guadalupe Ramirez		
177316	0	GiftCard	Gift Card Fund		\$25.00
3/7/2020		JailATM Web Deposit	GC# 22729281 by Zeferino Morales		
176110	0	GiftCard	Gift Card Fund		\$45.00
3/1/2020		JailATM Web Deposit	GC# 22602511 by Guadalupe Ramirez		
174604	0	GiftCard	Gift Card Fund		\$50.00
2/23/2020		JailATM Web Deposit	GC# 22436020 by Zeferino Morales		
173672	0	GiftCard	Gift Card Fund		\$90.00
2/18/2020		JailATM Web Deposit	GC# 22345220 by Guadalupe Ramirez		
172217	0	GiftCard	Gift Card Fund		\$100.00
2/10/2020		JailATM Web Deposit	GC# 22177401 by Zeferino Morales		
171090	0	GiftCard	Gift Card Fund		\$100.00
2/3/2020		JailATM Web Deposit	GC# 22043503 by Guadalupe Ramirez		
170093	0	GiftCard	Gift Card Fund		\$100.00
1/28/2020		JailATM Web Deposit	GC# 21931152 by Guadalupe Ramirez		
169627	0	GiftCard	Gift Card Fund		\$50.00
1/26/2020		JailATM Web Deposit	GC# 21898023 by Guadalupe Ramirez		
168606	0	GiftCard	Gift Card Fund		\$50.00
1/19/2020		JailATM Web Deposit	GC# 21760034 by Guadalupe Ramirez		
167596	0	GiftCard	Gift Card Fund		\$40.00
1/12/2020		JailATM Web Deposit	GC# 21639452 by Guadalupe Ramirez		
167001	0	GiftCard	Gift Card Fund		\$90.00
1/6/2020		JailATM Web Deposit	GC# 21555255 by Guadalupe Ramirez		
166719	0	GiftCard	Gift Card Fund		\$20.00
1/3/2020		JailATM Web Deposit	GC# 21502250 by Guadalupe Ramirez		
166121	0	GiftCard	Gift Card Fund		\$20.00
12/30/2019		JailATM Web Deposit	GC# 21417219 by Guadalupe Ramirez		
165908	0	GiftCard	Gift Card Fund		\$25.00
12/27/2019		JailATM Web Deposit	GC# 21366876 by Guadalupe Ramirez		
165438	0	GiftCard	Gift Card Fund		\$50.00
12/20/2019		JailATM Web Deposit	GC# 21262194 by Guadalupe Ramirez		

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Confidential Property of Atascosa TX

Page 1 of 2

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EXHIBIT E

Money Receipts with Gift Cards

Receipt	Add #	Type	Name	User	Amount
Total Cash:					\$0.00
Total Checks:					\$0.00
Total Money Orders:					\$0.00
Total Other:					\$905.00
Cash Drawer Total:					\$905.00

REVISED 08/05

FEDERAL 1331/1346

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
EASTERN DISTRICT OF TEXAS

RE: Your request for Forms for filing a Civil Rights Complaint

The forms you requested are enclosed. Please read the forms and follow the instructions very carefully. Make certain you have answered all the questions and have signed in all the required places.

The filing fee for this type of civil action is \$400.00. If you pay the \$400.00 now, you must submit your check or money order made payable to the Clerk, U.S. District Court, together with your complaint. If you are permitted to proceed *in forma pauperis*, the fee is \$350 and the Court will permit you to pay the fee according to a payment plan established by the Court.

If you are unable to pay the filing fee and service costs for this complaint, you may request the Court to allow you to proceed *in forma pauperis* (IFP) (application enclosed). If you use this form, you must answer each and every question and sign the form. If you are a federal inmate, you must obtain a certified print out of your trust fund account from the facility in which you are incarcerated. **DO NOT SEND THE COMPLAINT WITHOUT A CERTIFIED SIX (6) MONTH HISTORY OR PRINT OUT OF YOUR TRUST FUND ACCOUNT OR EQUIVALENT.** Otherwise, your case cannot be processed and will be delayed until you comply with the data sheet.

Please give special attention to the following information:

PARTIES: The parties to a law suit are the plaintiff (the person who is filing the suit) and the defendant (the person who is being sued.) List the full names of each defendant on page 1. If you cannot obtain the full names or supply an initial, state the name as Unknown. On page 3, list the defendant(s) again with a full address. If there is more than one defendant, the defendants should be listed in the same order as on page 1. If there is more than one plaintiff, each plaintiff must be listed with their prison I.D. number and must sign the complaint on the last page. Each plaintiff must also submit a separate and completed IFP form. If you are bringing a civil rights lawsuit against federal employees, then your lawsuit should be filed pursuant to 28 U.S.C. § 1331. If you are bringing a Federal Tort Claims Act lawsuit under 28 U.S.C. § 1346, then the only defendant will be the United States of America.

STATEMENT OF CLAIM: It is very important you state a claim against each named defendant. Give only the facts without legal arguments or case law.

FILING: Submit only the original complaint to the Court. Keep a copy for your records. Once the original is filed, it cannot be returned unless ordered by the Court. Use a typewriter or black ink. Your complaint must be legible and in English. Do not use legal size paper. Use standard size paper (8 1/2 x 11 inches) only. Do not write on the reverse side of any page. Leave space (margins) at each side and on the top and bottom of the page. Complaints which do not conform to these instructions will be returned with a notation as to the deficiency so they may be corrected.

It is your responsibility to keep the Court informed of your current address. If you are transferred or released, you must file a "Notice of Change of Address" with the Clerk. You must also certify that you have sent notice to the defendant's attorney (if any). Failure to follow this rule may result in your case being dismissed.

VENUE: Your complaint can be brought in this Judicial District if at least one of the defendants reside in this district or the cause of action arose in this district. If not, you are in the wrong court. A complaint submitted to the wrong court will only delay the proceedings.

Finally, do not write letters to the Clerk or the Judges asking for advise. The court can only act on motions and does not advise litigants as to the law or procedures.

Thank you for your cooperation.

EXHIBIT E